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SEC

SERVICE DATE – NOVEMBER 10, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34527

MAUMEE & WESTERN RAILROAD COMPANY AND RMW VENTURES LLC–
PETITION FOR DECLARATORY ORDER–
CSX TRANSPORTATION, INC. CROSSING RIGHTS AT DEFIANCE, OH

Decided: November 9, 2005

On July 16, 2004, Maumee & Western Railroad Company (M&W) and RMW Ventures LLC (RMW) (collectively, petitioners) filed and served on CSX Transportation, Inc. (CSXT), a petition for a declaratory order. Petitioners requested that a proceeding be instituted to determine whether specific actions of CSXT unreasonably interfered with the common carrier rail service operations of M&W in violation of 49 U.S.C. 10901(d) and M&W's statutory rights and obligations to provide common carrier rail service under its certificate of public convenience and necessity issued by the Board pursuant to 49 U.S.C. 10901(a).

By decision served on July 13, 2005, the Board instituted a declaratory order proceeding and established a procedural schedule. By decisions served on July 22, 2005, September 19, 2005, and September 30, 2005, the procedural schedule was modified. Under the current procedural schedule, CSXT's reply was due on October 27, 2005, and petitioners' rebuttal is due on November 14, 2005.

On October 27, 2005, CSXT filed its reply to the petition which includes an alternative crossing proposal. By facsimile filed on November 8, 2005, petitioners request that the Board again modify the procedural schedule to allow the parties time to discuss this proposal which may provide a basis for resolution of the issues pending in this proceeding. Petitioners thus propose a new schedule, which would establish November 29, 2005, as the rebuttal due date.

Good cause exists to extend the procedural schedule in this case. Accordingly, the modification to the procedural schedule proposed by the petitioners will be adopted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Petitioners' request to modify the procedural schedule is granted.
2. Petitioners' rebuttal statement is due by November 29, 2005.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary